



FRANK & ASSOCIATES, P.C.
THE WORKPLACE LAW FIRM

NEIL M. FRANK, ESQ.

June 1, 2018

VIA ECF

Hon. Gary R. Brown
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

**Re: Romero et al. v. Bestcare, Inc. et al.,
Case No. 2:15-cv-07397**

Dear Judge Brown:

We represent Plaintiffs in the above referenced matter. We write, jointly with Defendants, to provide the Court with a proposed discovery schedule limited solely to whether or not the subject premises at which purported class members worked (Sisters of St. Dominic Motherhouse) is a private home within the meaning of *inter alia* 29 U.S.C. 213(a)(15) and regulations issued thereunder by the United States Department of Labor. The parties have had time to adequately meet and confer and respectfully request that the Court approve the following discovery schedule related solely to the “private home” issue.

- 1) All requests for production and interrogatories to be served by June 30, 2018.
- 2) Responses to requests for production and responses to Interrogatories to be completed by July 31, 2018.
- 3) On or before September 15, 2018, following the close of the opt-in period, the parties will serve a Notice identifying all (i) documents and (ii) witnesses upon whose testimony they will rely with respect to their position concerning the status of the Motherhouse as a private home on opposing counsel.
- 4) All depositions with respect to the “private home” issue to be completed by December 15, 2018.
- 5) Expert reports/opinions, if any, will be served by January 30, 2019.
- 6) Depositions of experts to be conducted by February 28, 2019.

In accordance with the Stipulation and Order Regarding Conditional Certification, Issuance of Collective and Class Action Notice, Defendants are to provide Plaintiffs’ counsel with a class list on or before June 2, 2018.

At the conclusion of discovery related to the “private home” issue, the parties contemplate filing dispositive motions limited to the “private home” issue. To avoid unnecessary expenses and resources associated with extensive class discovery on issues dependent on the “private home” issue, the parties respectfully request the Court stay class discovery with respect to the Plaintiffs’ and class members’ hours and wages until the “private home” question of law has been determined.

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Upon resolution of the “private home” issue, the parties will address and set forth a proposed schedule for class discovery, if necessary.

Thank you for your kind consideration of this request.

Respectfully Submitted,

FRANK & ASSOCIATES, P.C.


Michael A. Berger, Esq.

cc: Jonathan P. Arfa, Esq. (via ECF)